



110TH CONGRESS  
2D SESSION

# H. R. 5799

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2008

Ms. EDDIE BERNICE JOHNSON of Texas introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend titles XVIII and XIX of the Social Security Act to improve the transparency of information on skilled nursing facilities and nursing facilities and to clarify and improve the targeting of the enforcement of requirements with respect to such facilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Nursing Home Transparency and Improvement Act of  
6 2008”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

#### TITLE I—IMPROVING TRANSPARENCY OF INFORMATION ON SKILLED NURSING FACILITIES AND NURSING FACILITIES

Sec. 101. Required disclosure of ownership and affiliated parties information.  
 Sec. 102. Accountability requirements.  
 Sec. 103. Nursing home compare Medicare website.  
 Sec. 104. Reporting of expenditures.  
 Sec. 105. Standardized complaint form.  
 Sec. 106. Ensuring staffing accountability.

#### TITLE II—TARGETING ENFORCEMENT

Sec. 201. Civil money penalties.  
 Sec. 202. GAO study and report on the relative financial status and performance of special focus facilities.  
 Sec. 203. National independent monitor program.  
 Sec. 204. GAO studies and reports on temporary management and barriers to purchasing facilities with a record of poor care.  
 Sec. 205. Notification of facility closure.  
 Sec. 206. National demonstration projects on culture change and use of information technology in nursing homes.

#### TITLE III—IMPROVING STAFF TRAINING

Sec. 301. Dementia and abuse prevention training.  
 Sec. 302. Study and report on training required for certified nurse aides and supervisory staff.

## **TITLE I—IMPROVING TRANSPARENCY OF INFORMATION ON SKILLED NURSING FACILITIES AND NURSING FACILITIES**

### **SEC. 101. REQUIRED DISCLOSURE OF OWNERSHIP AND AFFILIATED PARTIES INFORMATION.**

(a) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i—

1 3(d)(1)) is amended by adding at the end the following  
2 new subparagraphs:

3 “(D) AVAILABILITY OF OWNERSHIP AND  
4 AFFILIATED PARTIES INFORMATION.—

5 “(i) IN GENERAL.—Beginning on the  
6 date of enactment of this subparagraph, a  
7 skilled nursing facility must have the infor-  
8 mation described in clause (ii) available for  
9 submission to the Secretary, the Inspector  
10 General of the Department of Health and  
11 Human Services, the State, the State long-  
12 term care ombudsman, a resident of a fa-  
13 cility, and the legal representative of such  
14 a resident or other responsible party in the  
15 case where the Secretary, the Inspector  
16 General, the State, the State long-term  
17 care ombudsman, the resident, or the legal  
18 representative or responsible party re-  
19 quests such information (and, beginning on  
20 the effective date of the regulations pro-  
21 mulgated under subparagraph (E)(i), for  
22 reporting such information in accordance  
23 with such regulations). The facility shall  
24 certify to the Secretary and the Inspector  
25 General of the Department of Health and

Human Services, as a condition of participation and payment under the program under this title, that the information submitted upon such request is accurate and current.

“(ii) INFORMATION DESCRIBED.—The following information is described in this clause:

“(I) The identity of individuals with an ownership or control interest (as defined in section 1124(a)(3)) in the facility.

“(II) Information on the members of the governing body of the skilled nursing facility, including the names, titles, and dates of service of such members.

“(III) Information describing the organizational structure of any affiliated or related parties, including principal officers and directors of affiliated or related companies, or members in the case of a limited liability company.

To the extent that information reported by a facility to the Internal Revenue Service on Form 990, information submitted by a facility to the Securities and Exchange Commission, or information otherwise submitted to the Secretary contains the information described in subclauses (I), (II), and (III), the facility may provide such Form or such information submitted to meet the requirements of clause (i) and subparagraph (E)(i).

“(iii) DEFINITION OF AFFILIATED OR RELATED PARTIES.—In this subparagraph, the term ‘affiliated or related parties’ means companies or individuals that serve as operators, landlords, management companies or advisors, real estate or consulting companies, members of a limited liability company, administrative services companies, lenders and companies providing financial guarantees, captive or affiliated liability insurance companies, and such other entities as the Secretary determines appropriate.

“(E) REPORTING.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, the Secretary shall promulgate regulations requiring skilled nursing facilities to report the information described in clause (ii) of subparagraph (D) to the Secretary in a standardized format, and such other regulations as are necessary to carry out such subparagraph. Such regulations shall ensure that the facility certifies, as a condition of participation and payment under the program under this title, that the information reported is accurate and current.

“(ii) GUIDANCE.—The Secretary shall provide guidance and technical assistance to States on how to adopt the standardized format under clause (i).”.

(b) NURSING FACILITIES.—Section 1919(d)(1) of the Social Security Act (42 U.S.C. 1396r(d)(1)) is amended by adding at the end the following new subparagraph:

“(D) AVAILABILITY OF OWNERSHIP AND AFFILIATED PARTIES INFORMATION.—

“(i) IN GENERAL.—Beginning on the date of enactment of this subparagraph, a

nursing facility must have the information described in clause (ii) available for submission to the Secretary, the Inspector General of the Department of Health and Human Services, the State, the State long-term care ombudsman, a resident of a facility, and the legal representative of such a resident or other responsible party in the case where the Secretary, the Inspector General, the State, the State long-term care ombudsman, the resident, or the legal representative or responsible party requests such information (and, beginning on the effective date of the regulations promulgated under subparagraph (E)(i), for reporting such information in accordance with such regulations). The facility shall certify to the Secretary and the Inspector General of the Department of Health and Human Services, as a condition of participation and payment under the program under this title, that the information submitted upon such request is accurate and current.

“(ii) INFORMATION DESCRIBED.—The following information is described in this clause:

“(I) The identity of individuals with an ownership or control interest (as defined in section 1124(a)(3)) in the facility.

“(II) Information on the members of the governing body of the nursing facility, including the names, titles, and dates of service of such members.

“(III) Information describing the organizational structure of any affiliated or related parties, including principal officers and directors of affiliated or related companies, or members in the case of a limited liability company.

To the extent that information reported by a facility to the Internal Revenue Service on Form 990, information submitted by a facility to the Securities and Exchange Commission, or information otherwise submitted to the Secretary contains the infor-

1           mation described in subclauses (I), (II),  
2           and (III), the facility may provide such  
3           Form or such information submitted to  
4           meet the requirements of clause (i) and  
5           subparagraph (E)(i).

6           “(iii) DEFINITION OF AFFILIATED OR  
7           RELATED PARTIES.—In this subparagraph,  
8           the term ‘affiliated or related parties’  
9           means companies or individuals that serve  
10          as operators, landlords, management com-  
11          panies or advisors, real estate or consulting  
12          companies, members of a limited liability  
13          company, administrative services compa-  
14          nies, lenders and companies providing fi-  
15          nancial guarantees, captive or affiliated li-  
16          ability insurance companies, and such  
17          other entities as the Secretary determines  
18          appropriate.

19          “(E) REPORTING.—

20               “(i) IN GENERAL.—Not later than 2  
21               years after the date of enactment of this  
22               subparagraph, the Secretary shall promul-  
23               gate regulations requiring nursing facilities  
24               to report the information described in  
25               clause (ii) of subparagraph (D) to the Sec-

retary in a standardized format, and such other regulations as are necessary to carry out such subparagraph. Such regulations shall ensure that the facility certifies, as a condition of participation and payment under the program under this title, that the information reported is accurate and current.

“(ii) GUIDANCE.—The Secretary shall provide guidance and technical assistance to States on how to adopt the standardized format under clause (i).”.

**SEC. 102. ACCOUNTABILITY REQUIREMENTS.**

(a) SKILLED NURSING FACILITIES.—Section 1819(d)(1) of the Social Security Act (42 U.S.C. 1395i-3(d)(1)), as amended by section 101, is amended by adding at the end the following new subparagraph:

“(F) ACCOUNTABILITY REQUIREMENTS.—

“(i) IN GENERAL.—On or after the date that is 2 years after the date of enactment of this subparagraph, any skilled nursing facility or chain of such facilities must meet standards for being an accountable entity by complying with the criteria developed under clause (ii).

“(ii) CRITERIA.—Not later than the date that is 2 years after such date of enactment, the Secretary, in consultation with the General Counsel of the Department of Health and Human Services and the Inspector General of the Department of Health and Human Services, shall develop criteria to define accountability requirements applicable to facilities and chains of such facilities. Such criteria shall—

“(I) include standards for submission of annual independent audits for facilities that are part of a group under common ownership or control, whether publicly or privately held and which have annual revenues of \$50,000,000 or more in the aggregate as a group; and

“(II) require new owners of a facility to provide proof of financial ability to operate the facility, including documentation of projected revenue and expenses for the first 12 months of operation of the facility.

1           “(iii) RULE OF CONSTRUCTION.—The  
2           criteria developed under clause (ii), and  
3           any requirements to submit information  
4           under such criteria, shall be in addition to  
5           any information the Secretary otherwise  
6           requires providers to submit on the owner-  
7           ship and operation of skilled nursing facili-  
8           ties (including information required to be  
9           submitted or reported under subparagraph  
10          (D) or (E)).”.

11          (b) NURSING FACILITIES.—Section 1919(d)(1) of the  
12          Social Security Act (42 U.S.C. 1396r(d)(1)), as amended  
13          by section 101, is amended by adding at the end the fol-  
14          lowing new subparagraph:

15               “(F) ACCOUNTABILITY REQUIREMENTS.—

16               “(i) IN GENERAL.—On or after the  
17               date that is 2 years after the date of enact-  
18               ment of this subparagraph, any nursing fa-  
19               cility or chain of such facilities must meet  
20               standards for being an accountable entity  
21               by complying with the criteria developed  
22               under clause (ii).

23               “(ii) CRITERIA.—Not later than the  
24               date that is 2 years after such date of en-  
25               actment, the Secretary, in consultation

1 with the General Counsel of the Depart-  
2 ment of Health and Human Services and  
3 the Inspector General of the Department  
4 of Health and Human Services, shall de-  
5 velop criteria to define accountability re-  
6 quirements applicable to facilities and  
7 chains of such facilities. Such criteria  
8 shall—

9 “(I) include standards for sub-  
10 mission of annual independent audits  
11 for facilities that are part of a group  
12 under common ownership or control,  
13 whether publicly or privately held and  
14 which have annual revenues of  
15 \$50,000,000 or more in the aggregate  
16 as a group; and

17 “(II) require new owners of a fa-  
18 cility to provide proof of financial abil-  
19 ity to operate the facility, including  
20 documentation of projected revenue  
21 and expenses for the first 12 months  
22 of operation of the facility.

23 “(iii) RULE OF CONSTRUCTION.—The  
24 criteria developed under clause (ii), and  
25 any requirements to submit information

1 under such criteria, shall be in addition to  
2 any information the Secretary otherwise  
3 requires providers to submit on the owner-  
4 ship and operation of nursing facilities (in-  
5 cluding information required to be sub-  
6 mitted or reported under subparagraph  
7 (D) or (E)).”.

8 **SEC. 103. NURSING HOME COMPARE MEDICARE WEBSITE.**

9 (a) **SKILLED NURSING FACILITIES.—**

10 (1) **IN GENERAL.**—Section 1819 of the Social  
11 Security Act (42 U.S.C. 1395i–3) is amended—

12 (A) by redesignating subsection (i) as sub-  
13 section (j); and

14 (B) by inserting after subsection (h) the  
15 following new subsection:

16 “(i) **NURSING HOME COMPARE WEBSITE.**—

17 “(1) **INCLUSION OF ADDITIONAL INFORMA-**  
18 **TION.**—

19 “(A) **IN GENERAL.**—The Secretary shall  
20 ensure that the Department of Health and  
21 Human Services includes, as part of the infor-  
22 mation provided for comparison of nursing  
23 homes on the official Internet website of the  
24 Federal Government for Medicare beneficiaries  
25 (commonly referred to as the ‘Nursing Home

1 Compare Medicare website) (or a successor  
2 website), the following information in a manner  
3 that is prominent, easily accessible, readily un-  
4 derstandable to consumers of long-term care  
5 services, and searchable:

6 “(i) Information that is reported to  
7 the Secretary under subparagraph (E) of  
8 subsection (d)(1) and information sub-  
9 mitted with respect to accountability re-  
10 quirements applicable to facilities and  
11 chains of facilities under subparagraph (F)  
12 of such subsection.

13 “(ii) Information on the ‘Special  
14 Focus Facility program’ (or a successor  
15 program) established by the Centers for  
16 Medicare & Medicaid Services, according to  
17 procedures established by the Secretary.  
18 Such procedures shall provide for the in-  
19 clusion of information with respect to, and  
20 the names and locations of, those facilities  
21 that—

22 “(I) have been enrolled in the  
23 program;

24 “(II) are enrolled in the program  
25 and have failed to make significant

1 progress within 18 months after such  
2 enrollment; and

3 “(III) have closed voluntarily or  
4 whose participation under this title  
5 has been terminated by the Secretary.

6 “(iii) Staffing data for each facility  
7 (including resident census data and data  
8 on the hours of care provided per resident  
9 per day) based on data submitted under  
10 subsection (b)(8)(C)(ii), including informa-  
11 tion on staffing turnover and tenure, in a  
12 format that is clearly understandable to  
13 consumers of long-term care services and  
14 allows such consumers to compare dif-  
15 ferences in staffing between facilities.

16 “(iv) Links to State Internet websites  
17 with information regarding State survey  
18 and certification programs, links to Form  
19 2567 State inspection reports (or a suc-  
20 cessor form) on such websites, information  
21 to guide consumers in how to interpret and  
22 understand such reports, and the facility  
23 plan of correction or other response to  
24 such report.

“(v) The standardized complaint form developed under subsection (f)(8), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

“(vi) A summary of information on enforcement that includes remedies proposed and imposed by the Secretary with respect to a skilled nursing facility during the preceding 3 years.

“(B) DEADLINE FOR PROVISION OF INFORMATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall ensure that the information described in subparagraph (A) is included on such website (or a successor website) not later than 1 year after the date of enactment of this subsection.

“(ii) EXCEPTIONS.—

“(I) OWNERSHIP AND AFFILIATED PARTIES AND ACCOUNTABILITY REQUIREMENTS INFORMATION.—The

Secretary shall ensure that the information described in subparagraph (A)(i) is included on such website (or a successor website) not later than the date on which the requirements under subparagraphs (E) and (F), respectively, of subsection (d)(1) are implemented.

“(II) STAFFING DATA.—The Secretary shall ensure that the information described in subparagraph (A)(iii) is included on such website (or a successor website) not later than the date on which the requirement under subsection (b)(8)(C)(ii) is implemented.

“(2) REVIEW AND MODIFICATION OF WEBSITE.—

“(A) IN GENERAL.—The Secretary shall establish a process—

“(i) to review the accuracy, clarity of presentation, timeliness, and comprehensiveness of information reported on such website as of the day before the date of enactment of this subsection; and

“(ii) not later than 1 year after the date of enactment of this subsection, to modify or revamp such website in accordance with the review conducted under clause (i).

“(B) CONSULTATION.—In conducting the review under subparagraph (A)(i), the Secretary shall consult with—

“(i) State long-term care ombudsman programs;

“(ii) consumer advocacy groups;

“(iii) provider stakeholder groups; and

“(iv) any other representatives of programs or groups the Secretary determines appropriate.”.

(2) TIMELINESS OF SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION.—

(A) IN GENERAL.—Section 1819(g)(5) of the Social Security Act (42 U.S.C. 1395i-3(g)(5)) is amended by adding at the end the following new subparagraph:

“(E) SUBMISSION OF SURVEY AND CERTIFICATION INFORMATION TO THE SECRETARY.—In order to improve the timeliness of information made available to the public under

1           subparagraph (A) and provided on the Nursing  
2           Home Compare Medicare website under sub-  
3           section (i), each State shall submit information  
4           respecting any survey or certification made re-  
5           specting a skilled nursing facility (including any  
6           enforcement actions taken by the State) to the  
7           Secretary not later than the date on which the  
8           State sends such information to the facility.  
9           The Secretary shall use the information sub-  
10          mitted under the preceding sentence to update  
11          the information provided on the Nursing Home  
12          Compare Medicare website as expeditiously as  
13          practicable.”.

14                   (B) EFFECTIVE DATE.—The amendment  
15                   made by this paragraph shall take effect 1 year  
16                   after the date of enactment of this Act.

17           (b) NURSING FACILITIES.—

18                   (1) IN GENERAL.—Section 1919 of the Social  
19                   Security Act (42 U.S.C. 1396r) is amended—

20                           (A) by redesignating subsection (i) as sub-  
21                           section (j); and

22                           (B) by inserting after subsection (h) the  
23                           following new subsection:

24                   “(i) NURSING HOME COMPARE WEBSITE.—

1           “(1) INCLUSION OF ADDITIONAL INFORMA-  
2       TION.—

3           “(A) IN GENERAL.—The Secretary shall  
4       ensure that the Department of Health and  
5       Human Services includes, as part of the infor-  
6       mation provided for comparison of nursing  
7       homes on the official Internet website of the  
8       Federal Government for Medicare beneficiaries  
9       (commonly referred to as the ‘Nursing Home  
10      Compare’ Medicare website) (or a successor  
11      website), the following information in a manner  
12      that is prominent, easily accessible, readily un-  
13      derstandable to consumers of long-term care  
14      services, and searchable:

15           “(i) Information that is reported to  
16      the Secretary under subparagraph (E) of  
17      subsection (d)(1) and information sub-  
18      mitted with respect to accountability re-  
19      quirements applicable to facilities and  
20      chains of facilities under subparagraph (F)  
21      of such subsection.

22           “(ii) Information on the ‘Special  
23      Focus Facility program’ (or a successor  
24      program) established by the Centers for  
25      Medicare & Medicaid Services, according to

1 procedures established by the Secretary.  
2 Such procedures shall provide for the in-  
3 clusion of information with respect to, and  
4 the names and locations of, those facilities  
5 that—

6 “(I) have been enrolled in the  
7 program;

8 “(II) are enrolled in the program  
9 and have failed to make significant  
10 progress within 18 months after such  
11 enrollment; and

12 “(III) have closed voluntarily or  
13 whose participation under this title  
14 has been terminated by the Secretary.

15 “(iii) Staffing data for each facility  
16 (including resident census data and data  
17 on the hours of care provided per resident  
18 per day) based on data submitted under  
19 subsection (b)(8)(C)(ii), including informa-  
20 tion on staffing turnover and tenure, in a  
21 format that is clearly understandable to  
22 consumers of long-term care services and  
23 allows such consumers to compare dif-  
24 ferences in staffing between facilities.

“(iv) Links to State Internet websites with information regarding State survey and certification programs, links to Form 2567 State inspection reports (or a successor form) on such websites, information to guide consumers in how to interpret and understand such reports, and the facility plan of correction or other response to such report.

“(v) The standardized complaint form developed under subsection (f)(10), including explanatory material on what complaint forms are, how they are used, and how to file a complaint with the State survey and certification program and the State long-term care ombudsman program.

“(vi) A summary of information on enforcement that includes remedies proposed and imposed by the Secretary or a State with respect to a nursing facility during the preceding 3 years.

“(B) DEADLINE FOR PROVISION OF INFORMATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Secretary shall en-

1           sure that the information described in sub-  
2           paragraph (A) is included on such website  
3           (or a successor website) not later than 1  
4           year after the date of enactment of this  
5           subsection.

6           “(ii) EXCEPTIONS.—

7                   “(I) OWNERSHIP AND AFFILI-  
8                   ATED PARTIES AND ACCOUNTABILITY  
9                   REQUIREMENTS INFORMATION.—The  
10           Secretary shall ensure that the infor-  
11           mation described in subparagraph  
12           (A)(i) is included on such website (or  
13           a successor website) not later than the  
14           date on which the requirements under  
15           subparagraph (E) and (F), respec-  
16           tively, of subsection (d)(1) are imple-  
17           mented.

18                   “(II) STAFFING DATA.—The Sec-  
19           retary shall ensure that the informa-  
20           tion described in subparagraph  
21           (A)(iii) is included on such website (or  
22           a successor website) not later than the  
23           date on which the requirement under  
24           subsection (b)(8)(C)(ii) is imple-  
25           mented.

1           “(2) REVIEW AND MODIFICATION OF  
2 WEBSITE.—

3           “(A) IN GENERAL.—The Secretary shall  
4 establish a process—

5           “(i) to review the accuracy, clarity of  
6 presentation, timeliness, and comprehen-  
7 siveness of information reported on such  
8 website as of the day before the date of en-  
9 actment of this subsection; and

10          “(ii) not later than 1 year after the  
11 date of enactment of this subsection, to  
12 modify or revamp such website in accord-  
13 ance with the review conducted under  
14 clause (i).

15          “(B) CONSULTATION.—In conducting the  
16 review under subparagraph (A)(i), the Sec-  
17 retary shall consult with—

18          “(i) State long-term care ombudsman  
19 programs;

20          “(ii) consumer advocacy groups;

21          “(iii) provider stakeholder groups; and

22          “(iv) any other representatives of pro-  
23 grams or groups the Secretary determines  
24 appropriate.”.

1           (2) TIMELINESS OF SUBMISSION OF SURVEY  
2           AND CERTIFICATION INFORMATION.—

3           (A) IN GENERAL.—Section 1919(g)(5) of  
4           the Social Security Act (42 U.S.C. 1396r(g)(5))  
5           is amended by adding at the end the following  
6           new subparagraph:

7           “(E) SUBMISSION OF SURVEY AND CER-  
8           TIFICATION INFORMATION TO THE SEC-  
9           RETARY.—In order to improve the timeliness of  
10          information made available to the public under  
11          subparagraph (A) and provided on the Nursing  
12          Home Compare Medicare website under sub-  
13          section (i), each State shall submit information  
14          respecting any survey or certification made re-  
15          specting a nursing facility (including any en-  
16          forcement actions taken by the State) to the  
17          Secretary not later than the date on which the  
18          State sends such information to the facility.  
19          The Secretary shall use the information sub-  
20          mitted under the preceding sentence to update  
21          the information provided on the Nursing Home  
22          Compare Medicare website as expeditiously as  
23          practicable.”.

1 (B) EFFECTIVE DATE.—The amendment  
 2 made by this paragraph shall take effect 1 year  
 3 after the date of enactment of this Act.

4 (c) AVAILABILITY OF REPORTS ON SURVEYS, CER-  
 5 TIFICATIONS, AND COMPLAINT INVESTIGATIONS.—

6 (1) SKILLED NURSING FACILITIES.—Section  
 7 1819(d)(1) of the Social Security Act (42 U.S.C.  
 8 1395i-3(d)(1)), as amended by section 102, is  
 9 amended by adding at the end the following new  
 10 subparagraph:

11 “(G) AVAILABILITY OF SURVEY, CERTIFI-  
 12 CATION, AND COMPLAINT INVESTIGATION RE-  
 13 PORTS.—A skilled nursing facility must—

14 “(i) have reports with respect to any  
 15 surveys, certifications, and complaint in-  
 16 vestigations made respecting the facility  
 17 during the 3 preceding years available for  
 18 any individual to review upon request; and

19 “(ii) post notice of the availability of  
 20 such reports in areas of the facility that  
 21 are prominent and accessible to the pub-  
 22 lic.”.

23 (2) NURSING FACILITIES.—Section 1919(d)(1)  
 24 of the Social Security Act (42 U.S.C. 1396r(d)(1)).

1 as amended by section 102, is amended by adding  
2 at the end the following new subparagraph:

3 “(G) AVAILABILITY OF SURVEY, CERTIFI-  
4 CATION, AND COMPLAINT INVESTIGATION RE-  
5 PORTS.—A nursing facility must—

6 “(i) have reports with respect to any  
7 surveys, certifications, and complaint in-  
8 vestigations made respecting the facility  
9 during the 3 preceding years available for  
10 any individual to review upon request; and

11 “(ii) post notice of the availability of  
12 such reports in areas of the facility that  
13 are prominent and accessible to the pub-  
14 lic.”.

15 (3) EFFECTIVE DATE.—The amendments made  
16 by this subsection shall take effect 1 year after the  
17 date of enactment of this Act.

18 (d) GUIDANCE TO STATES ON FORM 2567 STATE IN-  
19 SPECTION REPORTS AND COMPLAINT INVESTIGATION RE-  
20 PORTS.—

21 (1) GUIDANCE.—The Secretary shall provide  
22 guidance to States on how States can establish elec-  
23 tronic links to Form 2567 State inspection reports  
24 (or a successor form), complaint investigation re-  
25 ports, and a facility’s plan of correction or other re-

sponse to such Form 2567 State inspection reports (or a successor form) on the Internet website of the State that provides information on skilled nursing facilities and nursing facilities.

(2) DEFINITIONS.—In this subsection:

(A) NURSING FACILITY.—The term “nursing facility” has the meaning given such term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(B) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(C) SKILLED NURSING FACILITY.—The term “skilled nursing facility” has the meaning given such term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

#### **SEC. 104. REPORTING OF EXPENDITURES.**

Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new subsection:

“(f) REPORTING OF EXPENDITURES.—

“(1) IN GENERAL.—For cost reports submitted for cost reporting periods beginning on or after the date that is 1 year after the date of enactment of this subsection, skilled nursing facilities shall sepa-

1       rately report expenditures for wages and benefits for  
2       nursing staff (by staff level, breaking out (at a min-  
3       imum) registered nurses, licensed professional  
4       nurses, and certified nurse assistants).

5               “(2) MODIFICATION OF FORM.—The Secretary,  
6       in consultation with private sector accountants expe-  
7       rienced with Medicare and Medicaid nursing facility  
8       home cost reports, shall redesign such reports to  
9       meet the requirement of paragraph (1).

10              “(3) CATEGORIZATION.—The Secretary, work-  
11       ing in consultation with the Medicare Payment Advi-  
12       sory Commission, the Inspector General of the De-  
13       partment of Health and Human Services, and other  
14       expert parties the Secretary determines appropriate,  
15       shall take the expenditures listed on cost reports  
16       submitted by skilled nursing facilities and categorize  
17       such expenditures into the following categories on an  
18       annual basis:

19                   “(A) Spending on direct care services (in-  
20       cluding nursing, therapy, and non-ancillary  
21       therapy services).

22                   “(B) Spending on indirect care (including  
23       housekeeping, dietary, and other related serv-  
24       ices).

1           “(C) Capital costs (including building and  
2           land costs).

3           “(D) Administrative costs.

4           “(4) AVAILABILITY OF INFORMATION SUB-  
5           MITTED.—The Secretary shall establish procedures  
6           to make information on expenditures submitted  
7           under this subsection readily available to interested  
8           parties upon request, subject to such requirements  
9           as the Secretary may specify under the procedures  
10          established under this paragraph.”.

11 **SEC. 105. STANDARDIZED COMPLAINT FORM.**

12          (a) SKILLED NURSING FACILITIES.—

13               (1) DEVELOPMENT BY THE SECRETARY.—Sec-  
14               tion 1819(f) of the Social Security Act (42 U.S.C.  
15               1395i–3(f)) is amended by adding at the end the fol-  
16               lowing new paragraph:

17               “(8) STANDARDIZED COMPLAINT FORM.—The  
18               Secretary shall develop a standardized complaint  
19               form for use by a resident (or a person acting on the  
20               resident’s behalf) in filing a complaint with a State  
21               survey and certification agency and a State long-  
22               term care ombudsman program with respect to a  
23               skilled nursing facility.”.

24               (2) STATE REQUIREMENTS.—Section 1819(e)  
25               of the Social Security Act (42 U.S.C. 1395i–3(e)) is

1       amended by adding at the end the following new  
2       paragraph:

3               “(6) COMPLAINT FORMS AND RESOLUTION  
4       PROCESSES.—

5               “(A) COMPLAINT FORMS.—The State must  
6       make the standardized complaint form devel-  
7       oped under subsection (f)(8) available upon re-  
8       quest to—

9               “(i) a resident of a skilled nursing fa-  
10       cility; and

11              “(ii) any person acting on the resi-  
12       dent’s behalf.

13              “(B) COMPLAINT RESOLUTION PROCESS.—  
14       The State must establish a complaint resolution  
15       process in order to ensure that the legal rep-  
16       resentative of a resident of a skilled nursing fa-  
17       cility or other responsible party is not denied  
18       access to such resident or otherwise retaliated  
19       against if they have complained about the qual-  
20       ity of care provided by the facility or other  
21       issues relating to the facility. Such complaint  
22       resolution process shall include—

23              “(i) procedures to assure accurate  
24       tracking of complaints received, including

notification to the complainant that a complaint has been received;

“(ii) procedures to determine the likely severity of a complaint and for the investigation of the complaint; and

“(iii) deadlines for responding to a complaint and for notifying the complainant of the outcome of the investigation.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a resident of a skilled nursing facility (or a person acting on the resident’s behalf) from submitting a complaint in a manner or format other than by using the standardized complaint form developed under subsection (f)(8) (including submitting a complaint orally).”.

(b) NURSING FACILITIES.—

(1) DEVELOPMENT BY THE SECRETARY.—Section 1919(f) of the Social Security Act (42 U.S.C. 1395i–3(f)) is amended by adding at the end the following new paragraph:

“(10) STANDARDIZED COMPLAINT FORM.—The Secretary shall develop a standardized complaint form for use by a resident (or a person acting on the

1 resident's behalf) in filing a complaint with a State  
 2 survey and certification agency and a State long-  
 3 term care ombudsman program with respect to a  
 4 nursing facility.”.

5 (2) STATE REQUIREMENTS.—Section 1919(e)  
 6 of the Social Security Act (42 U.S.C. 1395i-3(e)) is  
 7 amended by adding at the end the following new  
 8 paragraph:

9 “(8) COMPLAINT FORMS AND RESOLUTION  
 10 PROCESSES.—

11 “(A) COMPLAINT FORMS.—The State must  
 12 make the standardized complaint form devel-  
 13 oped under subsection (f)(10) available upon re-  
 14 quest to—

15 “(i) a resident of a nursing facility;  
 16 and  
 17 “(ii) any person acting on the resi-  
 18 dent's behalf.

19 “(B) COMPLAINT RESOLUTION PROCESS.—  
 20 The State must establish a complaint resolution  
 21 process in order to ensure that the legal rep-  
 22 resentative of a resident of a nursing facility or  
 23 other responsible party is not denied access to  
 24 such resident or otherwise retaliated against if  
 25 they have complained about the quality of care

provided by the facility or other issues relating to the facility. Such complaint resolution process shall include—

“(i) procedures to assure accurate tracking of complaints received, including notification to the complainant that a complaint has been received;

“(ii) procedures to determine the likely severity of a complaint and for the investigation of the complaint; and

“(iii) deadlines for responding to a complaint and for notifying the complainant of the outcome of the investigation.

“(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a resident of a nursing facility (or a person acting on the resident’s behalf) from submitting a complaint in a manner or format other than by using the standardized complaint form developed under subsection (f)(10) (including submitting a complaint orally).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

1 **SEC. 106. ENSURING STAFFING ACCOUNTABILITY.**

2 (a) SKILLED NURSING FACILITIES.—Section  
3 1819(b)(8) of the Social Security Act (42 U.S.C. 1395i-  
4 3(b)(8)) is amended by adding at the end the following  
5 new subparagraph:

6 “(C) SUBMISSION OF STAFFING INFORMA-  
7 TION BASED ON PAYROLL DATA IN A UNIFORM  
8 FORMAT.—

9 “(i) DESIGN PHASE.—

10 “(I) IN GENERAL.—The Sec-  
11 retary shall establish a program for  
12 skilled nursing facilities to report  
13 staffing information (including infor-  
14 mation with respect to agency and  
15 contract staff) based on payroll data.  
16 Such program shall be conducted for  
17 a 1-year period beginning on the date  
18 of enactment of this subparagraph.

19 “(II) REPORT.—Not later than 6  
20 months after the completion of the  
21 program established under subclause  
22 (I), the Secretary shall submit a re-  
23 port to Congress containing the re-  
24 sults of the program.

25 “(ii) SUBMISSION OF STAFFING IN-  
26 FORMATION.—Beginning not later than 1

1 year after the completion of the program  
2 established under clause (i)(I), the Sec-  
3 retary shall require a skilled nursing facil-  
4 ity to electronically submit to the Secretary  
5 nurse staffing information (including infor-  
6 mation with respect to agency and contract  
7 staff) based on payroll data in a uniform  
8 format (according to specifications estab-  
9 lished by the Secretary). Such specifica-  
10 tions shall require that the information  
11 submitted under the preceding sentence—

12 “(I) specify the category of work  
13 a certified employee performs (such as  
14 whether the employee is a registered  
15 nurse, licensed practical nurse, li-  
16 censed vocational nurse, or certified  
17 nursing assistant);

18 “(II) include resident census  
19 data;

20 “(III) include a regular reporting  
21 schedule; and

22 “(IV) include information on em-  
23 ployee turnover and tenure and on the  
24 hours of care provided by each cat-

1                   egory of certified employees referenced  
2                   in subclause (I) per resident per day.”

3           (b) NURSING FACILITIES.—Section 1919(b)(8) of the  
4 Social Security Act (42 U.S.C. 1396r(b)(8)) is amended  
5 by adding at the end the following new subparagraph:

6                   “(C) SUBMISSION OF STAFFING INFORMA-  
7                   TION BASED ON PAYROLL DATA IN A UNIFORM  
8                   FORMAT.—

9                   “(i) DESIGN PHASE.—

10                   “(I) IN GENERAL.—The Sec-  
11                   retary shall establish a program for  
12                   nursing facilities to report staffing in-  
13                   formation (including information with  
14                   respect to agency and contract staff)  
15                   based on payroll data. Such program  
16                   shall be conducted for a 1-year period  
17                   beginning on the date of enactment of  
18                   this subparagraph.

19                   “(II) REPORT.—Not later than 6  
20                   months after the completion of the  
21                   program established under subclause  
22                   (I), the Secretary shall submit a re-  
23                   port to Congress containing the re-  
24                   sults of the program.

“(ii) SUBMISSION OF STAFFING INFORMATION.—Beginning not later than 1 year after the completion of the program established under clause (i)(I), the Secretary shall require a nursing facility to electronically submit to the Secretary nurse staffing information (including information with respect to agency and contract staff) based on payroll data in a uniform format (according to specifications established by the Secretary). Such specifications shall require that the information submitted under the preceding sentence—

“(I) specify the category of work a certified employee performs (such as whether the employee is a registered nurse, licensed practical nurse, licensed vocational nurse, or certified nursing assistant);

“(II) include resident census data;

“(III) include a regular reporting schedule; and

“(IV) include information on employee turnover and tenure and on the

1 hours of care provided by each cat-  
 2 egory of certified employees referenced  
 3 in subclause (I) per resident per day.”

## 4 **TITLE II—TARGETING** 5 **ENFORCEMENT**

### 6 **SEC. 201. CIVIL MONEY PENALTIES.**

#### 7 (a) SKILLED NURSING FACILITIES.—

8 (1) IN GENERAL.—Section 1819(h)(2)(B)(ii) of  
 9 the Social Security Act (42 U.S.C. 1395i-  
 10 3(h)(2)(B)(ii)) is amended to read as follows:

11 “(ii) AUTHORITY WITH RESPECT TO  
 12 CIVIL MONEY PENALTIES.—

13 “(I) AMOUNT.—Subject to sub-  
 14 clause (III), the Secretary may impose  
 15 a civil money penalty in the applicable  
 16 amount (as defined in subclause (II))  
 17 for each day or each instance of non-  
 18 compliance (as determined appro-  
 19 priate by the Secretary).

20 “(II) APPLICABLE AMOUNT.—In  
 21 this clause, the term ‘applicable  
 22 amount’ means—

23 “(aa) in the case where the  
 24 deficiency results in the death of

1 a resident of the facility, an  
2 amount not to exceed \$100,000;

3 “(bb) in the case of a defi-  
4 ciency where the facility is cited  
5 for actual harm or immediate  
6 jeopardy, an amount not less  
7 than \$3,000 and not more than  
8 \$25,000; and

9 “(cc) in the case of any  
10 other deficiency, an amount not  
11 to exceed \$3,000.

12 “(III) REDUCTION OF CIVIL  
13 MONEY PENALTIES IN CERTAIN CIR-  
14 CUMSTANCES.—Subject to subclause  
15 (IV), in the case where a facility self-  
16 reports and promptly corrects a defi-  
17 ciency for which a penalty was im-  
18 posed under this clause not later than  
19 10 calendar days after the date of  
20 such imposition, the Secretary may  
21 reduce the amount of the penalty im-  
22 posed by not more than 50 percent.

23 “(IV) PROHIBITIONS ON REDUC-  
24 TION FOR CERTAIN DEFICIENCIES.—

1                   “(aa)       REPEAT       DEFI-  
2                   CIENCIES.—The Secretary may  
3                   not reduce the amount of a pen-  
4                   alty under subclause (III) if the  
5                   Secretary had reduced a penalty  
6                   imposed on the facility in the  
7                   preceding year under such sub-  
8                   clause with respect to a repeat  
9                   deficiency.

10                   “(bb) CERTAIN OTHER DE-  
11                   FICIENCIES.—The Secretary may  
12                   not reduce the amount of a pen-  
13                   alty under subclause (III) if the  
14                   penalty is imposed for a defi-  
15                   ciency described in subclause  
16                   (II)(bb) and the actual harm is  
17                   found to result in a pattern of  
18                   harm or widespread harm that  
19                   immediately jeopardizes the  
20                   health or safety of a resident or  
21                   residents of the facility, or if the  
22                   penalty is imposed for a defi-  
23                   ciency described in subclause  
24                   (II)(aa).

“(V) COLLECTION OF CIVIL  
MONEY PENALTIES.—In the case of a  
civil money penalty imposed under  
this clause for a deficiency described  
in item (aa) or (bb) of subclause (II),  
the Secretary—

“(aa) subject to item (bb),  
shall provide the opportunity for  
the facility to participate in an  
informal dispute resolution proc-  
ess prior to the collection of such  
penalty;

“(bb) may provide for the  
collection of such civil money  
penalty and the placement of  
such amounts collected in an es-  
crow account on the earlier of the  
date on which the informal dis-  
pute resolution process under  
item (aa) is completed or the  
date that is 90 days after the  
date of the imposition of the pen-  
alty;

“(cc) may provide that such  
amounts collected are kept in

1 such account pending the resolu-  
2 tion of any appeals;

3 “(dd) in the case where the  
4 facility successfully appeals the  
5 penalty, may provide for the re-  
6 turn of such amounts collected  
7 (plus interest) to the facility; and

8 “(ee) in the case where all  
9 such appeals are unsuccessful,  
10 may provide that some portion of  
11 such amounts collected may be  
12 used to support activities that  
13 benefit residents, including as-  
14 sistance to support and protect  
15 residents who reside in a facility  
16 that closes (voluntarily or invol-  
17 untarily) or is decertified (includ-  
18 ing offsetting costs of relocating  
19 residents to home and commu-  
20 nity-based settings or another fa-  
21 cility), and projects that support  
22 resident and family councils and  
23 other consumer involvement in  
24 assuring quality care in facilities.

1                   “(VI) PROCEDURE.—The provi-  
 2                   sions of section 1128A (other than  
 3                   subsections (a) and (b) and except to  
 4                   the extent that such provisions require  
 5                   a hearing prior to the imposition of a  
 6                   civil money penalty in the case de-  
 7                   scribed in subclause (V)) shall apply  
 8                   to a civil money penalty under this  
 9                   clause in the same manner as such  
 10                  provisions apply to a penalty or pro-  
 11                  ceeding under section 1128A(a).”.

12               (2) CONFORMING AMENDMENT.—The second  
 13               sentence of section 1819(h)(5) of the Social Security  
 14               Act (42 U.S.C. 1395i-3(h)(5)) is amended by insert-  
 15               ing “(ii)(V),” after “(i).”.

16               (b) NURSING FACILITIES.—

17               (1) PENALTIES IMPOSED BY THE STATE.—

18               (A) IN GENERAL.—Section 1919(h)(2) of  
 19               the Social Security Act (42 U.S.C. 1396r(h)(2))  
 20               is amended—

21               (i) in subparagraph (A)(ii), by strik-  
 22               ing the first sentence and inserting the fol-  
 23               lowing: “A civil money penalty in accord-  
 24               ance with subparagraph (G).”; and

1                   (ii) by adding at the end the following  
2 new subparagraph:

3                   “(G) CIVIL MONEY PENALTIES.—

4                   “(i) IN GENERAL.—Subject to clause  
5 (iii), the State may impose a civil money  
6 penalty under subparagraph (A)(ii) in the  
7 applicable amount for each day or each in-  
8 stance of noncompliance (as determined  
9 appropriate by the State).

10                   “(ii) DEFINITION OF APPLICABLE  
11 AMOUNT.—In this subparagraph, the term  
12 ‘applicable amount’ means—

13                   “(I) in the case where the defi-  
14 ciency results in the death of a resi-  
15 dent of the facility, an amount not to  
16 exceed \$100,000;

17                   “(II) in the case of a deficiency  
18 where the facility is cited for actual  
19 harm or immediate jeopardy, an  
20 amount not less than \$3,000 and not  
21 more than \$25,000; and

22                   “(III) in the case of any other  
23 deficiency, an amount not to exceed  
24 \$3,000.

“(iii) REDUCTION OF CIVIL MONEY  
PENALTIES IN CERTAIN CIR-  
CUMSTANCES.—Subject to clause (iv), in  
the case where a facility self-reports and  
promptly corrects a deficiency for which a  
penalty was imposed under subparagraph  
(A)(ii) not later than 10 calendar days  
after the date of such imposition, the State  
may reduce the amount of the penalty im-  
posed by not more than 50 percent.

“(iv) PROHIBITION ON REDUCTION  
FOR CERTAIN DEFICIENCIES.—

“(I) REPEAT DEFICIENCIES.—  
The State may not reduce the amount  
of a penalty under clause (iii) if the  
State had reduced a penalty imposed  
on the facility in the preceding year  
under such clause with respect to a  
repeat deficiency.

“(II) CERTAIN OTHER DEFICI-  
ENCIES.—The State may not reduce  
the amount of a penalty under clause  
(iii) if the penalty is imposed for a de-  
ficiency described in clause (ii)(II)  
and the actual harm is found to result

1 in a pattern of harm or widespread  
2 harm that immediately jeopardizes the  
3 health or safety of a resident or resi-  
4 dents of the facility, or if the penalty  
5 is imposed for a deficiency described  
6 in clause (ii)(I).

7 “(v) COLLECTION OF CIVIL MONEY  
8 PENALTIES.—In the case of a civil money  
9 penalty imposed under subparagraph  
10 (A)(ii) for a deficiency described in sub-  
11 clause (I) or (II) of clause (ii), the State—

12 “(I) subject to subclause (II),  
13 shall provide the opportunity for the  
14 facility to participate in an informal  
15 dispute resolution process prior to the  
16 collection of such penalty;

17 “(II) may provide for the collec-  
18 tion of such civil money penalty and  
19 the placement of such amounts col-  
20 lected in an escrow account on the  
21 earlier of the date on which the infor-  
22 mal dispute resolution process under  
23 subclause (I) is completed or the date  
24 that is 90 days after the date of the  
25 imposition of the penalty;

1                   “(III) may provide that such  
2                   amounts collected are kept in such ac-  
3                   count pending the resolution of any  
4                   appeals:

5                   “(IV) in the case where the facil-  
6                   ity successfully appeals the penalty,  
7                   may provide for the return of such  
8                   amounts collected (plus interest) to  
9                   the facility; and

10                  “(V) in the case where all such  
11                  appeals are unsuccessful, may provide  
12                  that such funds collected shall be used  
13                  for the purposes described in the sec-  
14                  ond sentence of subparagraph  
15                  (A)(ii).”.

16                  (B) CONFORMING AMENDMENT.—The sec-  
17                  ond sentence of section 1919(h)(2)(A)(ii) is  
18                  amended by inserting “. and some portion of  
19                  such funds may be used to support activities  
20                  that benefit residents, including assistance to  
21                  support and protect residents who reside in a  
22                  facility that closes (voluntarily or involuntarily)  
23                  or is decertified (including offsetting costs of re-  
24                  locating residents to home and community-  
25                  based settings or another facility), and projects

1           that support resident and family councils and  
2           other consumer involvement in assuring quality  
3           care in facilities” before the period at the end.

4           (2) PENALTIES IMPOSED BY THE SEC-  
5       RETARY.—

6                   (A)           IN           GENERAL.—Section  
7           1919(h)(3)(C)(ii) of the Social Security Act (42  
8           U.S.C. 1396r(h)(3)(C)) is amended to read as  
9           follows:

10                           “(ii) AUTHORITY WITH RESPECT TO  
11           CIVIL MONEY PENALTIES.—

12                                   “(I) AMOUNT.—Subject to sub-  
13           clause (III), the Secretary may impose  
14           a civil money penalty in the applicable  
15           amount (as defined in subclause (II))  
16           for each day or each instance of non-  
17           compliance (as determined appro-  
18           priate by the Secretary).

19                                   “(II) APPLICABLE AMOUNT.—In  
20           this clause, the term ‘applicable  
21           amount’ means—

22   “(aa) in the case where the  
23           deficiency results in the death of  
24           a resident of the facility, an  
25           amount not to exceed \$100,000;

“(bb) in the case of a deficiency where the facility is cited for actual harm or immediate jeopardy, an amount not less than \$3,000 and not more than \$25,000; and

“(cc) in the case of any other deficiency, an amount not to exceed \$3,000.

“(III) REDUCTION OF CIVIL MONEY PENALTIES IN CERTAIN CIRCUMSTANCES.—Subject to subclause (IV), in the case where a facility self-reports and promptly corrects a deficiency for which a penalty was imposed under this clause not later than 10 calendar days after the date of such imposition, the Secretary may reduce the amount of the penalty imposed by not more than 50 percent.

“(IV) PROHIBITIONS ON REDUCTION FOR CERTAIN DEFICIENCIES.—

“(aa) REPEAT DEFICIENCIES.—The Secretary may not reduce the amount of a pen-

1            alty under subclause (III) if the  
2            Secretary had reduced a penalty  
3            imposed on the facility in the  
4            preceding year under such sub-  
5            clause with respect to a repeat  
6            deficiency.

7            “(bb) CERTAIN OTHER DE-  
8            FICIENCIES.—The Secretary may  
9            not reduce the amount of a pen-  
10          alty under subclause (III) if the  
11          penalty is imposed for a defi-  
12          ciency described in subclause  
13          (II)(bb) and the actual harm is  
14          found to result in a pattern of  
15          harm or widespread harm that  
16          immediately jeopardizes the  
17          health or safety of a resident or  
18          residents of the facility, or if the  
19          penalty is imposed for a defi-  
20          ciency described in subclause  
21          (II)(aa).

22          “(V) COLLECTION OF CIVIL  
23          MONEY PENALTIES.—In the case of a  
24          civil money penalty imposed under  
25          this clause for a deficiency described

1 in item (aa) or (bb) of subclause (II).  
2 the Secretary—

3 “(aa) subject to item (bb),  
4 shall provide the opportunity for  
5 the facility to participate in an  
6 informal dispute resolution proc-  
7 ess prior to the collection of such  
8 penalty;

9 “(bb) may provide for the  
10 collection of such civil money  
11 penalty and the placement of  
12 such amounts collected in an es-  
13 crow account on the earlier of the  
14 date on which the informal dis-  
15 pute resolution process under  
16 item (aa) is completed or the  
17 date that is 90 days after the  
18 date of the imposition of the pen-  
19 alty;

20 “(cc) may provide that such  
21 amounts collected are kept in  
22 such account pending the resolu-  
23 tion of any appeals;

24 “(dd) in the case where the  
25 facility successfully appeals the

1 penalty, may provide for the re-  
2 turn of such amounts collected  
3 (plus interest) to the facility; and

4 “(ee) in the case where all  
5 such appeals are unsuccessful,  
6 may provide that some portion of  
7 such amounts collected may be  
8 used to support activities that  
9 benefit residents, including as-  
10 sistance to support and protect  
11 residents who reside in a facility  
12 that closes (voluntarily or invol-  
13 untarily) or is decertified (includ-  
14 ing offsetting costs of relocating  
15 residents to home and commu-  
16 nity-based settings or another fa-  
17 cility), and projects that support  
18 resident and family councils and  
19 other consumer involvement in  
20 assuring quality care in facilities.

21 “(VI) PROCEDURE.—The provi-  
22 sions of section 1128A (other than  
23 subsections (a) and (b) and except to  
24 the extent that such provisions require  
25 a hearing prior to the imposition of a

1 civil money penalty in the case de-  
 2 scribed in subclause (V)) shall apply  
 3 to a civil money penalty under this  
 4 clause in the same manner as such  
 5 provisions apply to a penalty or pro-  
 6 ceeding under section 1128A(a).”.

7 (B) CONFORMING AMENDMENT.—Section  
 8 1919(h)(5)(8) of the Social Security Act (42  
 9 U.S.C. 1396r(h)(5)(8)) is amended by inserting  
 10 “(ii)(V),” after “(i),”.

11 (c) EFFECTIVE DATE.—The amendments made by  
 12 this section shall take effect 1 year after the date of enact-  
 13 ment of this Act.

14 **SEC. 202. GAO STUDY AND REPORT ON THE RELATIVE FI-**  
 15 **NANCIAL STATUS AND PERFORMANCE OF**  
 16 **SPECIAL FOCUS FACILITIES.**

17 (a) STUDY.—

18 (1) IN GENERAL.—The Comptroller General of  
 19 the United States shall conduct a study on the fi-  
 20 nancial status, resident care, and performance of  
 21 skilled nursing facilities and nursing facilities in the  
 22 Special Focus Facility program (or a successor pro-  
 23 gram) established by the Centers for Medicare &  
 24 Medicaid Services relative to a comparable sample of  
 25 facilities that are not in such program. Such study

1 shall include an examination of the ownership and  
2 control interests, and any affiliated parties, of the  
3 facilities studied (as applicable).

4 (2) DEFINITIONS.—In this section:

5 (A) NURSING FACILITY.—The term “nurs-  
6 ing facility” has the meaning given such term  
7 in section 1919(a) of the Social Security Act  
8 (42 U.S.C. 1396r(a)).

9 (B) SECRETARY.—The term “Secretary”  
10 means the Secretary of Health and Human  
11 Services.

12 (C) SKILLED NURSING FACILITY.—The  
13 term “skilled nursing facility” has the meaning  
14 given such term in section 1819(a) of the Social  
15 Security Act (42 U.S.C. 1395(a)).

16 (b) REPORT.—Not later than 1 year after the date  
17 of enactment of this Act, the Comptroller General of the  
18 United States shall submit a report to Congress and the  
19 Secretary containing the results of the study conducted  
20 under subsection (a), together with recommendations for  
21 such legislation and administrative action as the Comp-  
22 troller General determines appropriate.

1 **SEC. 203. NATIONAL INDEPENDENT MONITOR PROGRAM.**

2 (a) SKILLED NURSING FACILITIES.—Section  
3 1819(h) of the Social Security Act (42 U.S.C. 1395i—  
4 3(h)(2) is amended—

5 (1) by redesignating paragraphs (5) and (6) as  
6 paragraphs (6) and (7), respectively; and

7 (2) by inserting after paragraph (4) the fol-  
8 lowing new paragraph:

9 “(5) NATIONAL INDEPENDENT MONITOR PRO-  
10 GRAM.—

11 “(A) IN GENERAL.—Not later than 1 year  
12 after the date of enactment of this paragraph,  
13 the Secretary, in consultation with the Inspec-  
14 tor General of the Department of Health and  
15 Human Services, shall develop, test, and imple-  
16 ment a protocol for the establishment of an  
17 independent monitoring program to oversee  
18 interstate and large intrastate chains of skilled  
19 nursing facilities. Such program shall be de-  
20 signed to analyze such chains in 1 or more of  
21 the following instances:

22 “(i) Where 3 or more facilities of the  
23 chain were enrolled in the ‘Special Focus  
24 Facility program’ (or a successor program)  
25 established by the Centers for Medicare &

1 Medicaid Services during the preceding 3  
2 years.

3 “(ii) Where the chain has been experi-  
4 encing financial problems that may be  
5 linked to serious quality deficiencies.

6 “(iii) Where the chain has a record of  
7 chronic poor performance.

8 “(B) RESPONSIBILITIES.—The inde-  
9 pendent monitoring program established under  
10 subparagraph (A) shall include the following re-  
11 sponsibilities:

12 “(i) Conducting periodic reviews and  
13 preparing root-cause quality and deficiency  
14 analyses of a chain described in such sub-  
15 paragraph to assess compliance by the  
16 chain with State and Federal laws and reg-  
17 ulations.

18 “(ii) Conducting oversight of efforts  
19 by such a chain, whether publicly or pri-  
20 vately held, to achieve compliance with  
21 State and Federal laws and regulations.

22 “(iii) Analyzing the management  
23 structure, distribution of expenditures, and  
24 nurse staffing levels of facilities of such a

1 chain in relation to resident census, staff  
2 turnover rates, and tenure.

3 “(iv) Reporting findings and rec-  
4 ommendations with respect to such re-  
5 views, analyses, and oversight to the chain  
6 and facilities of the chain, to the Secretary,  
7 and to relevant States.

8 “(v) Publishing the results of such re-  
9 views, analyses, and oversight.

10 “(C) IMPLEMENTATION OF RECOMMENDA-  
11 TIONS.—

12 “(i) RECEIPT OF FINDING BY  
13 CHAIN.—Not later than 10 days after re-  
14 ceipt of a finding reported under subpara-  
15 graph (B)(iv), the chain shall submit a re-  
16 port to the independent monitor—

17 “(I) outlining corrective actions  
18 to be taken by the chain to implement  
19 the recommendations in such report;  
20 or

21 “(II) indicating that the chain  
22 will not implement such recommenda-  
23 tions, and why it will not do so.

24 “(ii) RECEIPT OF REPORT BY INDE-  
25 PENDENT MONITOR.—Not later than 10

1 days after receipt of the report submitted  
2 by the chain under clause (i), the inde-  
3 pendent monitor shall finalize its rec-  
4 ommendations and submit a report to the  
5 chain and facilities of the chain, the Sec-  
6 retary, and the State or States, as appro-  
7 priate, containing such final recommenda-  
8 tions.

9 “(iii) CIVIL MONEY PENALTY.—The  
10 Secretary may impose a civil money pen-  
11 alty under subsection (1)(2)(B)(ii) on a  
12 chain that fails to respond to or to take  
13 corrective actions to implement the rec-  
14 ommendations of the independent monitor  
15 in accordance with this subparagraph.

16 “(D) COST OF APPOINTMENT.—A chain  
17 shall be responsible for all costs associated with  
18 the appointment of independent monitors under  
19 the program under this paragraph. The chain  
20 shall pay such costs to the Secretary (in accord-  
21 ance with procedures established by the Sec-  
22 retary).

23 “(E) EVALUATION AND REPORT.—

24 “(i) EVALUATION.—The Inspector  
25 General of the Department of Health and

Human Services shall evaluate the independent monitoring program under this paragraph.

“(ii) REPORT.—Not later than 2 years after the implementation of such program under subparagraph (A), the Inspector General shall submit a report to Congress containing the results of the evaluation conducted under clause (i), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

“(F) INTERMEDIATE REMEDY.—The appointment of an independent monitor shall be an intermediate remedy that may be in addition to or in lieu of other remedies under this subsection.”.

(b) NURSING FACILITIES.—Section 1919(h) of the Social Security Act (42 U.S.C. 1396r(h)) is amended—

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph:

“(8) NATIONAL INDEPENDENT MONITOR PROGRAM.—

1           “(A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of this paragraph,  
3 the Secretary, in consultation with the Inspec-  
4 tor General of the Department of Health and  
5 Human Services, shall develop, test, and imple-  
6 ment a protocol for the establishment of an  
7 independent monitoring program to oversee  
8 interstate and large intrastate chains of nursing  
9 facilities. Such program shall be designed to  
10 analyze such chains in 1 or more of the fol-  
11 lowing instances:

12           “(i) Where 3 or more facilities of the  
13 chain were enrolled in the ‘Special Focus  
14 Facility program’ (or a successor program)  
15 established by the Centers for Medicare &  
16 Medicaid Services during the preceding 3  
17 years.

18           “(ii) Where the chain has been experi-  
19 encing financial problems that may be  
20 linked to serious quality deficiencies.

21           “(iii) Where the chain has a record of  
22 chronic poor performance.

23           “(B) RESPONSIBILITIES.—The inde-  
24 pendent monitoring program established under

1        subparagraph (A) shall include the following re-  
2        sponsibilities:

3                "(i) Conducting periodic reviews and  
4                preparing root-cause quality and deficiency  
5                analyses of a chain described in such sub-  
6                paragraph to assess compliance by the  
7                chain with State and Federal laws and reg-  
8                ulations.

9                "(ii) Conducting oversight of efforts  
10              by such a chain, whether publicly or pri-  
11              vately held, to achieve compliance with  
12              State and Federal laws and regulations.

13              "(iii) Analyzing the management  
14              structure, distribution of expenditures, and  
15              nurse staffing levels of facilities of such a  
16              chain in relation to resident census, staff  
17              turnover rates, and tenure.

18              "(iv) Reporting findings and rec-  
19              ommendations with respect to such re-  
20              views, analyses, and oversight to the chain  
21              and facilities of the chain, to the Secretary,  
22              and to relevant States.

23              "(v) Publishing the results of such re-  
24              views, analyses, and oversight.

“(C) IMPLEMENTATION OF RECOMMENDATIONS.—

“(i) RECEIPT OF FINDING BY CHAIN.—Not later than 10 days after receipt of a finding reported under subparagraph (B)(iv), the chain shall submit a report to the independent monitor—

“(I) outlining corrective actions to be taken by the chain to implement the recommendations in such report; or

“(II) indicating that the chain will not implement such recommendations, and why it will not do so.

“(ii) RECEIPT OF REPORT BY INDEPENDENT MONITOR.—Not later than 10 days after receipt of the report submitted by the chain under clause (i), the independent monitor shall finalize its recommendations and submit a report to the chain and facilities of the chain, the Secretary, and the State or States, as appropriate, containing such final recommendations.

1           “(iii) CIVIL MONEY PENALTY.—A  
2           State or the Secretary may impose a civil  
3           money penalty under subsection  
4           (h)(2)(A)(ii), or (h)(3)(C)(ii), respectively,  
5           on a chain that fails to respond to or to  
6           take corrective actions to implement the  
7           recommendations of the independent mon-  
8           itor in accordance with this subparagraph.

9           “(D) COST OF APPOINTMENT.—A chain  
10          shall be responsible for all costs associated with  
11          the appointment of independent monitors under  
12          the program under this paragraph. The chain  
13          shall pay such costs to the Secretary (in accord-  
14          ance with procedures established by the Sec-  
15          retary).

16          “(E) EVALUATION AND REPORT.—

17               “(i) EVALUATION.—The Inspector  
18               General of the Department of Health and  
19               Human Services shall evaluate the inde-  
20               pendent monitoring program under this  
21               paragraph.

22               “(ii) REPORT.—Not later than 2  
23               years after the implementation of such pro-  
24               gram under subparagraph (A), the Inspec-  
25               tor General shall submit a report to Con-

gress containing the results of the evaluation conducted under clause (i), together with recommendations for such legislation and administrative action as the Inspector General determines appropriate.

“(F) INTERMEDIATE REMEDY.—The appointment of an independent monitor shall be an intermediate remedy that may be in addition to or in lieu of other remedies under this subsection.”.

**SEC. 204. GAO STUDIES AND REPORTS ON TEMPORARY  
MANAGEMENT AND BARRIERS TO PUR-  
CHASING FACILITIES WITH A RECORD OF  
POOR CARE.**

(a) STUDY AND REPORT ON TEMPORARY MANAGEMENT.—

(1) IN GENERAL.—The Comptroller General of the United States (in this section referred to as the “Comptroller General”) shall conduct a study on—

(A) best practices for the appointment of temporary management under sections 1819(h)(2)(B)(iii), 1919(h)(2)(A)(iii), and 1919(h)(3)(C)(iii) of the Social Security Act (42 U.S.C. 1395i–3(h)(2)(B)(iii); 1396r(h)(2)(A)(iii); 1396r(h)(3)(C)(iii)); and

1 (B) barriers to the appointment of such  
2 temporary management.

3 (2) REPORT.—Not later than 1 year after the  
4 date of enactment of this Act, the Comptroller Gen-  
5 eral shall submit a report to Congress containing the  
6 results of the study conducted under paragraph (1),  
7 together with recommendations for such legislation  
8 and administrative action as the Comptroller Gen-  
9 eral determines appropriate.

10 (3) GUIDANCE TO STATES.—The Secretary of  
11 Health and Human Services shall issue guidance to  
12 States based on the recommendations contained in  
13 the report submitted under paragraph (2).

14 (b) STUDY AND REPORT ON BARRIERS TO PUR-  
15 CHASING FACILITIES WITH A RECORD OF POOR CARE.—

16 (1) STUDY.—The Comptroller General of the  
17 United States shall conduct a study on the extent  
18 and the nature of any barriers for new owners who  
19 purchase, and potential owners who wish to pur-  
20 chase, skilled nursing facilities and nursing facilities  
21 with a record of poor care.

22 (2) REPORT.—Not later than 1 year after the  
23 date of enactment of this Act, the Comptroller Gen-  
24 eral shall submit a report to Congress containing the  
25 results of the study conducted under paragraph (1).

1 together with recommendations for such legislation  
 2 and administrative action as the Comptroller Gen-  
 3 eral determines appropriate to address any barriers  
 4 identified in such study.

5 (3) DEFINITIONS.—In this subsection:

6 (A) NURSING FACILITY.—The term “nurs-  
 7 ing facility” has the meaning given such term  
 8 in section 1919(a) of the Social Security Act  
 9 (42 U.S.C. 1396r(a)).

10 (B) SKILLED NURSING FACILITY.—The  
 11 term “skilled nursing facility” has the meaning  
 12 given such term in section 1819(a) of the Social  
 13 Security Act (42 U.S.C. 1395(a)).

14 **SEC. 205. NOTIFICATION OF FACILITY CLOSURE.**

15 (a) SKILLED NURSING FACILITIES.—

16 (1) IN GENERAL.—Section 1819(c) of the So-  
 17 cial Security Act (42 U.S.C. 1395i-3(c)) is amended  
 18 by adding at the end the following new paragraph:

19 “(7) NOTIFICATION OF FACILITY CLOSURE.—

20 “(A) IN GENERAL.—Any individual who is  
 21 the administrator of a skilled nursing facility  
 22 must—

23 “(i) submit to the Secretary, the State  
 24 long-term care ombudsman, residents of  
 25 the facility, and the legal representatives of

1 such residents or other responsible parties.  
2 written notification of an impending clo-  
3 sure—

4 “(I) subject to subclause (II), not  
5 later than the date that is 60 days  
6 prior to the date of such closure; and

7 “(II) in the case of a facility  
8 where the Secretary terminates the fa-  
9 cility’s participation under this title,  
10 not later than the date that the Sec-  
11 retary determines appropriate;

12 “(ii) ensure that the facility does not  
13 admit any new residents on or after the  
14 date on which such written notification is  
15 submitted; and

16 “(iii) include in the notice a plan for  
17 the transfer and adequate relocation of the  
18 residents of the facility by a specified date  
19 prior to closure that has been approved by  
20 the State, including assurances that the  
21 residents will be transferred to the most  
22 appropriate facility or other setting in  
23 terms of quality, services, and location,  
24 taking into consideration the needs and  
25 best interests of each resident.

1 “(B) RELOCATION.—

2 “(i) IN GENERAL.—The State shall  
3 ensure that, before a facility closes, all  
4 residents of the facility have been success-  
5 fully relocated to another facility or an al-  
6 ternative home and community-based set-  
7 ting.

8 “(ii) CONTINUATION OF PAYMENTS  
9 UNTIL RESIDENTS RELOCATED.—The Sec-  
10 retary may, as the Secretary determines  
11 appropriate, continue to make payments  
12 under this title with respect to residents of  
13 a facility that has submitted a notification  
14 under subparagraph (A) during the period  
15 beginning on the date such notification is  
16 submitted and ending on the date on which  
17 the resident is successfully relocated.”.

18 (2) CONFORMING AMENDMENTS.—Section  
19 1819(h)(4) of the Social Security Act (42 U.S.C.  
20 1395i-3(h)(4)) is amended—

21 (A) in the first sentence, by striking “the  
22 Secretary shall terminate” and inserting “the  
23 Secretary, subject to subsection (c)(7), shall  
24 terminate”; and

1 (B) in the second sentence, by striking  
2 “subsection (c)(2)” and inserting “paragraphs  
3 (2) and (7) of subsection (c)”.

4 (b) NURSING FACILITIES.—

5 (1) IN GENERAL.—Section 1919(c) of the So-  
6 cial Security Act (42 U.S.C. 1396r(c)) is amended  
7 by adding at the end the following new paragraph:

8 “(9) NOTIFICATION OF FACILITY CLOSURE.—

9 “(A) IN GENERAL.—Any individual who is  
10 an administrator of a nursing facility must—

11 “(i) submit to the Secretary, the State  
12 long-term care ombudsman, residents of  
13 the facility, and the legal representatives of  
14 such residents or other responsible parties,  
15 written notification of an impending clo-  
16 sure—

17 “(I) subject to subclause (II), not  
18 later than the date that is 60 days  
19 prior to the date of such closure; and

20 “(II) in the case of a facility  
21 where the Secretary terminates the fa-  
22 cility’s participation under this title,  
23 not later than the date that the Sec-  
24 retary determines appropriate;

“(ii) ensure that the facility does not admit any new residents on or after the date on which such written notification is submitted; and

“(iii) include in the notice a plan for the transfer and adequate relocation of the residents of the facility by a specified date prior to closure that has been approved by the State, including assurances that the residents will be transferred to the most appropriate facility or other setting in terms of quality, services, and location, taking into consideration the needs and best interests of each resident.

“(B) RELOCATION.—

“(i) IN GENERAL.—The State shall ensure that, before a facility closes, all residents of the facility have been successfully relocated to another facility or an alternative home and community-based setting.

“(ii) CONTINUATION OF PAYMENTS UNTIL RESIDENTS RELOCATED.—The Secretary may, as the Secretary determines appropriate, continue to make payments

1 under this title with respect to residents of  
 2 a facility that has submitted a notification  
 3 under subparagraph (A) during the period  
 4 beginning on the date such notification is  
 5 submitted and ending on the date on which  
 6 the resident is successfully relocated.”.

7 (c) EFFECTIVE DATE.—The amendments made by  
 8 this section shall take effect 1 year after the date of enact-  
 9 ment of this Act.

10 **SEC. 206. NATIONAL DEMONSTRATION PROJECTS ON CUL-**  
 11 **TURE CHANGE AND USE OF INFORMATION**  
 12 **TECHNOLOGY IN NURSING HOMES.**

13 (a) IN GENERAL.—The Secretary shall conduct 2  
 14 demonstration projects, 1 for the development of best  
 15 practices in skilled nursing facilities and nursing facilities  
 16 that are involved in the culture change movement (includ-  
 17 ing the development of resources for facilities to find and  
 18 access funding in order to undertake culture change) and  
 19 1 for the development of best practices in skilled nursing  
 20 facilities and nursing facilities for the use of information  
 21 technology to improve resident care.

22 (b) CONDUCT OF DEMONSTRATION PROJECTS.—

23 (1) GRANT AWARD.—Under each demonstration  
 24 project conducted under this section, the Secretary  
 25 shall award 1 or more grants to facility-based set-

1       tings for the development of best practices described  
2       in subsection (a) with respect to the demonstration  
3       project involved. Such award shall be made on a  
4       competitive basis and may be allocated in 1 lump-  
5       sum payment.

6               (2) CONSIDERATION OF SPECIAL NEEDS OF  
7       RESIDENTS.—Each demonstration project conducted  
8       under this section shall take into consideration the  
9       special needs of residents of skilled nursing facilities  
10      and nursing facilities who have cognitive impair-  
11      ment, including dementia.

12      (c) IMPLEMENTATION AND DURATION.—

13              (1) IMPLEMENTATION.—The demonstration  
14      projects shall each be implemented not later than 1  
15      year after the date of enactment of this Act.

16              (2) IN GENERAL.—The demonstration projects  
17      shall each be conducted for a period not to exceed  
18      3 years.

19      (d) DEFINITIONS.—In this section:

20              (1) NURSING FACILITY.—The term “nursing  
21      facility” has the meaning given such term in section  
22      1919(a) of the Social Security Act (42 U.S.C.  
23      1396r(a)).

24              (2) SECRETARY.—The term “Secretary” means  
25      the Secretary of Health and Human Services.

1           (3) SKILLED NURSING FACILITY.—The term  
 2       “skilled nursing facility” has the meaning given such  
 3       term in section 1819(a) of the Social Security Act  
 4       (42 U.S.C. 1395(a)).

5       (e) AUTHORIZATION OF APPROPRIATIONS.—There  
 6       are authorized to be appropriated such sums as are nec-  
 7       essary to carry out this section.

8       (f) REPORT.—Not later than 9 months after the com-  
 9       pletion of the demonstration project, the Secretary shall  
 10      submit a report to Congress on such project, together with  
 11      recommendations for such legislation and administrative  
 12      action as the Secretary determines appropriate.

## 13       **TITLE III—IMPROVING STAFF** 14       **TRAINING**

### 15      **SEC. 301. DEMENTIA AND ABUSE PREVENTION TRAINING.**

16      (a) SKILLED NURSING FACILITIES.—Section  
 17      1819(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.  
 18      1395i–3(f)(2)(A)(i)(I)) is amended by inserting “(includ-  
 19      ing, in the case of initial training and, if the Secretary  
 20      determines appropriate, in the case of ongoing training,  
 21      dementia management training, and patient abuse preven-  
 22      tion training” before “, (II)”.

23      (b) NURSING FACILITIES.—Section  
 24      1919(f)(2)(A)(i)(I) of the Social Security Act (42 U.S.C.  
 25      1396r(f)(2)(A)(i)(I)) is amended by inserting “(including,

1 in the case of initial training and, if the Secretary deter-  
 2 mines appropriate, in the case of ongoing training, demen-  
 3 tia management training, and patient abuse prevention”  
 4 before “, (II)”.

5 (c) EFFECTIVE DATE.—The amendments made by  
 6 this section shall take effect 1 year after the date of enact-  
 7 ment of this Act.

8 **SEC. 302. STUDY AND REPORT ON TRAINING REQUIRED**  
 9 **FOR CERTIFIED NURSE AIDES AND SUPER-**  
 10 **VISORY STAFF.**

11 (a) STUDY.—

12 (1) IN GENERAL.—The Secretary shall conduct  
 13 a study on the content of training for certified nurse  
 14 aides and supervisory staff of skilled nursing facili-  
 15 ties and nursing facilities. The study shall include an  
 16 analysis of the following:

17 (A) Whether the number of initial training  
 18 hours for certified nurse aides required under  
 19 sections 1819(f)(2)(A)(i)(II) and  
 20 1919(f)(2)(A)(i)(II) of the Social Security Act  
 21 (42 U.S.C. 1395i-3(f)(2)(A)(i)(II);  
 22 1396r(f)(2)(A)(i)(II)) should be increased from  
 23 75 and, if so, what the required number of ini-  
 24 tial training hours should be, including any rec-

ommendations for the content of such training  
(including training related to dementia).

(B) Whether requirements for ongoing  
training under such sections  
1819(f)(2)(A)(i)(II) and 1919(f)(2)(A)(i)(II)  
should be increased from 12 hours per year, in-  
cluding any recommendations for the content of  
such training.

(2) CONSULTATION.—In conducting the anal-  
ysis under paragraph (1)(A), the Secretary shall  
consult with States that currently (as of the date of  
enactment of this Act) require more than 75 hours  
of training for certified nurse aides.

(3) DEFINITIONS.—In this section:

(A) NURSING FACILITY.—The term “nurs-  
ing facility” has the meaning given such term  
in section 1919(a) of the Social Security Act  
(42 U.S.C. 1396r(a)).

(B) SECRETARY.—The term “Secretary”  
means the Secretary of Health and Human  
Services, acting through the Assistant Secretary  
for Planning and Evaluation.

(C) SKILLED NURSING FACILITY.—The  
term “skilled nursing facility” has the meaning

1           given such term in section 1819(a) of the Social  
2           Security Act (42 U.S.C. 1395(a)).

3           (b) REPORT.—Not later than 2 years after the date  
4 of enactment of this Act, the Secretary shall submit a re-  
5 port to Congress containing the results of the study con-  
6 ducted under subsection (a), together with recommenda-  
7 tions for such legislation and administrative action as the  
8 Secretary determines appropriate.

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